



**ADMINISTRATIVE PROCEDURES  
FOR  
ELECTRONIC CASE FILING  
(ECF)**

## TABLE OF CONTENTS

### A. ELECTRONIC FILING AND PDF'S

1. Electronic Filing ..... 1
2. Electronically Converted PDF's ..... 1
3. Scanned PDF's ..... 1

### B. GENERAL INFORMATION

1. Relationship to Other Rules ..... 1
2. Effective Date ..... 1
3. Official Record ..... 1
4. Disks Not Returned by Clerk's Office ..... 1
5. Compliance with Technical Standards ..... 1

### C. REGISTRATION

1. Attorneys ..... 2
2. Non-prisoner, Pro-Se Parties ..... 2
3. Log-In, Password Usage ..... 2
4. Consent to Service by Electronic Means ..... 2

### D. FILING AND SERVICE OF CIVIL CASE OPENING DOCUMENTS

1. Filing ..... 2
2. Filing Fee Required ..... 2
3. Issuance of Summons ..... 2

### E. ELECTRONIC FILING

1. Filing Defined ..... 2
2. Confirmation of Court Filing ..... 2
3. PDF Format Required ..... 3
4. PDF file size limitations ..... 3
5. Title of Pleadings, Docket Entries ..... 3

### F. SERVICE OF ELECTRONICALLY FILED DOCUMENTS

1. Proof of Electronic Service ..... 3
2. Electronic Service Defined ..... 3
3. Certificate of Service Requirements ..... 3
4. Conventional Service of Electronically Filed Documents ..... 3
5. Service by Electronic Means Treated Same as Service by Mail ..... 3

### G. DEADLINES

1. Filing Deadlines Not Effected by Electronic Filing of Documents ..... 3

### H. SPECIAL FILING REQUIREMENTS AND EXCEPTIONS

1. Documents Required to be Filed on Paper ..... 4
2. Documents Received by Clerk Which are not Filed, Electronically or Otherwise ..... 4

## **I. SIGNATURES**

1. Attorneys ..... 4
2. Multiple Signatures ..... 5
3. Affidavits ..... 5

## **J. PRIVACY POLICY**

1. Requirements for Redaction of Information from Documents ..... 5

## **K. ATTACHMENTS TO FILINGS AND EXHIBITS (OTHER THAN HEARING EXHIBITS)**

1. Attachments to be Filed in Accordance with Court's ECF User Manual ..... 6
2. Submission Requirements ..... 6
3. Attachment of Papers Previously Filed with the Court ..... 6

## **L. ORDERS AND JUDGMENTS**

1. All Orders, Judgments, and Decrees to be Electronically Filed ..... 6
2. Text-only Orders ..... 6
3. Submission of Proposed Orders ..... 7

## **M. TRANSCRIPTS**

1. Proceedings of this Court ..... 7
2. Proceedings of another Court ..... 7

## **N. FACSIMILE TRANSMISSIONS**

1. Prior Leave of Court Required ..... 7

## **O. TECHNICAL FAILURES**

1. Filings Made Untimely as the Result of Technical Failure ..... 7

## **P. PRO SE LITIGATION**

1. Registration of Non-prisoner Pro Se Litigants ..... 7

## **Q. ACCESS TO ELECTRONICALLY STORED DOCUMENTS**

1. Access to Public Documents ..... 7

## **R. RETENTION**

1. Retention of Paper Documents Filed with the Clerk's Office ..... 7

**(A) Electronic Filing and PDF's - Defined**

(1) Electronic Filing is the process of uploading a document from the registered user's computer, using the Court's Internet-based Electronic Case Files (ECF) system, to file the document in the Court's case file. The ECF system only accepts documents in a portable document format (PDF). Although there are two types of PDF documents –electronically converted PDF's and scanned PDF's, **electronically converted PDF's are preferred.**

(2) Electronically converted PDF's are created from word processing documents (MS Word, WordPerfect, etc.) using Adobe Acrobat or similar software. They may be "text searchable" and their file size is small.

(3) Scanned PDF's are created from paper documents run through an optical scanner. Scanned PDF's are not natively searchable and have a larger file size than electronically converted PDFs.

**(B) General Information**

(1) These administrative procedures are intended to supplement the Local Rules of the United States District Court for the District of Vermont to the extent necessary to establish procedures for the signing, filing, service, maintenance and verification of documents by electronic means. Unless modified by order of the Court, all Federal Rules of Civil and Criminal Procedure, Local Rules of Procedure, and standing orders of the Court shall continue to apply to cases that are subject to electronic case filing.

(2) **Effective October 2, 2006, documents submitted for filing in civil and criminal cases**, except those documents specifically exempted in subsection (H) of these procedures, may be filed either in paper form, electronically using the ECF system or on a properly labeled 3.5" floppy or compact disc containing the documents in PDF.

(3) Effective January 1, 2005, the official Court record shall consist of electronic files maintained on the Court's servers. The Clerk's Office will not maintain paper court files, except as ordered by a judge of this Court. The case files in actions commenced prior to January 1, 2005 may contain a combination of paper versions of documents filed prior to January 1, 2005 and electronic documents filed on or after January 1, 2005.

(4) The Clerk's Office may discard the disk after the PDF document has been uploaded to ECF.

(5) All documents filed by electronic means must comply with technical standards, if any, established by the Judicial Conference of the United States or by this Court.

### **(C) Registration**

- (1) Attorneys admitted to the bar of this Court, including visiting attorneys, shall register as filing users of the Court's ECF system prior to filing any pleadings. Registration shall be on a ECF Registration Form, a copy of which is on the Court's website ([www.vtd.uscourts.gov](http://www.vtd.uscourts.gov)).
- (2) A non-prisoner, pro se party may register as an ECF filer. Should the pro se party obtain counsel during the course of litigation, the Clerk shall terminate the pro se party's ECF registration upon the appearance of an attorney.
- (3) A registered user shall not allow another person to file a document using the user's log-in and password, except for an authorized agent of the filing user. Use of a user's log-in and password by a staff member shall be deemed to be the act of the registered user.
- (4) Registration constitutes consent to service of all documents by electronic means as provided in these procedures.

### **(D) Filing and Service of Civil Case Opening Documents**

- (1) Civil case opening documents, such as a complaint, petition, or notice of removal, together with a properly completed summons/waiver and civil cover sheet, may be filed in paper copy, by e-mail in PDF or on a properly labeled 3.5" floppy or compact disk in PDF, so that the documents can be added to ECF.
- (2) New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.
- (3) The Clerk's Office will imprint the seal of the Court and the Clerk's signature on the summons and issue the summons electronically to counsel. A party may not electronically serve a civil complaint but shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4.

### **(E) Electronic Filing**

- (1) Electronic transmission of a document to the ECF system, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and constitutes entry of the document on the docket maintained by the Clerk pursuant to Fed.R.Civ.P.58, Fed.R.Civ.P.79 and Fed.R.Crim.P.55.
- (2) A document filed electronically shall be deemed filed at the time and date stated on the Notice of Electronic Filing received from the Court.
- (3) Documents electronically filed must be submitted in PDF format. Unless otherwise provided herein, main documents must be filed in an electronically converted PDF "text-

searchable” format. Attachments or non-trial exhibits must also be filed in an electronically converted PDF format, unless the filing user possesses only a paper copy of the document to be submitted, in which case a scanned PDF that is not text searchable may be submitted.

(4) A filing party must limit the size of the PDF file to no more than 3 megabytes. Any document exceeding 3 megabytes must be submitted in separate segments of less than 3 megabytes. Documents that exceed 10 megabytes shall not be electronically filed, but instead shall be submitted on a 3.5 floppy or compact disk. If a document exceeds 10 megabytes and is an attachment/non-trial exhibit, it shall be conventionally filed in paper.

(5) All pleadings filed electronically shall be titled in accordance with the approved dictionary of civil or criminal events of the ECF system of this Court.

#### **(F) Service of Electronically Filed Documents**

(1) Whenever a pleading or other document is filed electronically, the ECF system will automatically generate and send a Notice of Electronic Filing (NEF) to the filing user and registered users of record. The user filing the document should retain a paper or digital copy of the NEF, which shall serve as the court's date stamp and proof of filing.

(2) Transmission of the NEF shall constitute service of the filed document and shall be deemed to satisfy the requirements of Fed.R.Civ.P.5(b)(2)(D), Fed.R.Civ.P.77(d) and Fed.R.Crim.P.49(b).

(3) All documents filed using the ECF system shall include a certificate of service stating that the document has been filed electronically and that it is available for viewing and downloading from the ECF system. The certificate of service must identify the manner in which the service on each party was accomplished.

(4) Attorneys and pro se litigants who have not yet registered as users with ECF shall be served a paper copy of any electronically filed pleading or other document in accordance with the provisions of Fed.R.Civ.P.5.

(5) Service by electronic means shall be treated the same as service by mail for the purpose of adding three (3) days to the prescribed period to respond.

#### **(G) Deadlines**

(1) Filing documents electronically does not in any way alter any filing deadlines. All electronic transmissions of documents must be completed prior to midnight, Eastern Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time.

## **(H) Special Filing Requirements and Exceptions**

(1) The following documents **shall be filed on paper**, which **may also be scanned** into ECF by the Clerk's Office:

- (a) Motions to file documents under seal and documents filed under seal;
- (b) The charging document in a criminal case, such as the complaint, indictment, and information, as well as the criminal cover sheet;
- (c) Affidavits for search and arrest warrants and related papers;
- (d) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment, plea agreement, or order setting conditions of release;
- (e) Ex-parte motions and applications;
- (f) Petitions for violations of supervised release;
- (g) Pretrial hearing and trial exhibits;
- (h) Administrative records in social security cases and in other administrative review proceedings;
- (i) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;
- (j) Fed.R.Crim.P.20 and Fed.R.Crim.P.40 papers received from another court;
- (k) All pleadings and documents filed by pro se litigants who are incarcerated or who are not registered filing users in ECF; and
- (l) All handwritten pleadings.

(2) The following documents may be received by the Clerk's Office in criminal cases, but are not filed, electronically or otherwise, unless ordered by the Court:

- (a) Psychiatric and psychological reports;
- (b) Letters to the Court submitted prior to sentencing.

## **(I) Signatures**

(1) **Attorneys.** The user log-in and password required to submit documents to the ECF system shall serve as that user's signature for purposes of Fed.R.Civ.P.11 and for all other purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court. All electronically filed documents must include a

signature block and must set forth the attorney's name, address, telephone number and e-mail address. The name of the ECF user under whose log-in and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.

(2) **Multiple Signatures.** The filer of any document requiring more than one signature (e.g., pleadings filed by visiting lawyers, stipulations, joint status reports) must list thereon all the names of other signatories by means of a "/s/ \_\_\_\_\_" block for each signature. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, for two (2) years after the expiration of the time for filing a timely appeal. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures must file an objection to the document within ten days of the date on the Notice of Electronic Filing.

(3) **Affidavits.** Except as provided in subsection (H), affidavits shall be filed electronically; however, the electronically filed version must contain a "/s/ \_\_\_\_\_" block indicating that the paper document bears an original signature. The filing attorney shall retain the original for future production, if necessary, for two (2) years after the expiration of the time for filing a timely appeal.

## **(J) Privacy Policy**

(1) In compliance with the policy of the Judicial Conference of the United States and in order to address the privacy concerns created by Internet access to Court documents, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- ▶ Minors' names: Use of the minors' initials only;
- ▶ Social security numbers: Use of the last four numbers only;
- ▶ Dates of birth: Use of the year of birth only;
- ▶ Financial account numbers: Identify the type of account and the financial institution, but use only the last four numbers of the account number; and
- ▶ Home addresses: Use the city and state only.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal, which shall be retained as part of the record, or, may file a reference list under seal. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in their place in the filing. All references in the case to the



redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the Court as part of the record. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review filings for compliance with this rule.

#### **(K) Attachments to Filings and Exhibits (other than hearing and trial exhibits)**

(1) Attachments to filings and exhibits must be filed in accordance with the Court's ECF User Manual, unless otherwise ordered by the Court.

(2) A filing user must submit as attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Users who file excerpts of documents do so without prejudice to their right to timely file additional excerpts or the complete document, as may be allowed by the Court. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(3) Filers shall not attach as an exhibit any pleading or other paper already on file with the Court in that case, but shall merely refer to that document.

#### **(L) Orders and Judgments**

(1) All signed orders, decrees, and judgments will be filed electronically by the judge or Court personnel. Any order signed electronically (with a signature block designated as "/s/judge's name") shall have the same force and effect as if the judge had signed a hard copy of the order and it had been entered on the docket in the traditional manner.

(2) A judge, or any authorized member of the Court staff, may issue routine orders by a text-only entry upon the docket. In such cases, no PDF document will be issued; the text-only entry shall constitute the court's only order on the matter and registered counsel will receive a system generated NEF. If a party is not registered to receive an NEF, the Clerk's Office will mail a hard copy of the Notice of Electronic Filing that contains the entire text-only order. Text-only orders are official and binding.

(3) When requested by the Court, proposed orders shall be filed by e-mail in word processing format.

#### **(M) Transcripts**

(1) Consistent with current Judicial Conference policy to make electronic documents available to the public, it is the intention of the Court to require the filing of electronic versions of court transcripts when ECF is fully operational within the District of Vermont. This policy does not in any way affect the obligation of the reporter or

transcriber to file promptly with the Clerk of Court pursuant to 28 U.S.C. § 753(b) original transcripts of Court proceedings officially reported. The filing of electronic transcripts within the District of Vermont will also conform to Judicial Conference policy requiring the redaction of personal data identifiers *upon the request of the parties in litigation*. As the implementation the filing of electronic transcripts is currently under pilot study, the District of Vermont's policy requiring the filing of electronic transcripts will remain deferred until such time as the study is concluded and a national policy regarding the filing of electronic transcripts is fully implemented.

#### **(N) Facsimile Transmissions**

(1) No pleadings or other documents shall be submitted to the Court for filing by facsimile transmission without prior leave of Court.

#### **(O) Technical Failures**

(1) A filing user whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

#### **(P) Pro Se Litigation**

(1) Non-prisoner pro se litigants in civil actions may register with ECF or may file (and serve) all pleadings and other documents on paper. The Clerk's Office will scan into ECF any pleadings and documents filed on paper in accordance with subsection (g) of these procedures.

#### **(Q) Access to Electronically Stored Documents**

(1) The public may review at the Clerk's Office all filings that have not been sealed. Except for social security cases, the public may access civil filings made after January 1, 2003 and criminal filings made after November 1, 2004 in ECF at the court's Internet site ([www.vtd.uscourts.gov](http://www.vtd.uscourts.gov)) by obtaining a PACER log-in and password. Access to documents filed in social security cases shall be restricted to the attorneys of record.

#### **(R) Retention**

(1) The Clerk's Office will discard all paper documents filed with the Clerk's Office thirty days after those documents have been successfully scanned and uploaded into CM/ECF. Therefore, the Court encourages attorneys to retain originals or copies of documents with intrinsic value.